IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF AUGUST

TWO THOUSAND AND SEVEN

:PRESENT:

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 25057 of 2000

Between:

Nemichand Jain S/o. Gulab Chand Jain

..... PETITIONER

AND

Chief City Planner, Town Planning Section,
Municipal Corporation of Hyderabad, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction especially one in the nature of Writ of Mandamus declaring that the action of the respondent in cancelling the permission of construction of building in premises No. 1-8-115/1 & 2, Nallagutta, Secunderabad Vide Proceedings No. 295/TP7/SD/98-99-2000/1134, dated 7.4.2000 as illegal, arbitrary and violative of Articles 14, 21 & 300A of the Constitution of India.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support there of and upon hearing the arguments of SRI M. SURENDER RAO, Advocate for the Petitioner and of Smt. G. Jyothi Kiran, S.C. for MCH for the respondent, the Court made the following:

ORDER: Cancellation of the building permission granted in favour of the petitioner was the subject matter challenge in the present writ petition.

In the counter-affidavit filed by the Municipal Corporation of Hyderabad, it is clearly mentioned that in view of Mandal Revenue Officer, Secunderabad filing a land grabbing case against the petitioner herein in LGC No. 147/1999 on the file of Special Court under A.P.Land Grabbing (Prohibition) Act, 1982 (for short ' the Land Grabbing Act') claiming that the land in possession of the petitioner was Shikam (Government land), building permission granted in favour of the petitioner was cancelled.

It is represented that LGC No. 147/1999 preferred by the Mandal Revenue Officer was allowed declaring that the petitioner herein was a land grabber, and was at liberty to approach the Government for regularization of possession within three months

from the date of judgment and if the petitioner herein failed to get order of regularization within the stipulated period, the Mandal Revenue Officer was directed to evict the petitioner herein from the application schedule land within two months from the date of dismissal of regulation petition and submit compliance report to the Special court under Rule 15 (2) of the Rules framed under A.P. Land Grabbing (Prohibition) Act, 1982.

Questioning the orders passed by the Special Court under the Land Grabbing Act dated 9-9-2005 in LGC No. 147/99, the respondent therein who is petitioner herein filed W.P.No.12279 of 2006 before this court.

In view of the same, the relief claimed by the petitioner, virtually, depends upon the outcome of the result in W.P.No.12279 of 2006, and this court feels that the present writ petition can also be heard along with W.P.No.12279/2006.

Post this writ petition along with W.P.No.12279 of 2006 after obtaining necessary orders from the Honourable the Chief Justice.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Chief City Planner, Town Planning Section,
   Municipal Corporation of Hyderabad, Hyderabad. (by RPAD)
2. One C.C.to Sri M. Surender Rao, Advocate. (OPUC)
3. The Section Officer,Writ Filing Section, High court of A.P.Hyd.
4. one spare copy.

Bsr

HIGH COURT

AGR.J.

DATED 8-8-2007

ORDER

W.P.NO. 25057 OF 2000

DIRECTION

BSR
DT. 14-8-2007

HIGH COURT

AGR.J.

DATED 8-8-2007

Post this writ petition along with W.P.No.12279 of 2006 after obtaining necessary orders from the Honourable the Chief Justice.

ORDER

W.P.NO. 25057 OF 2000

DIRECTION